

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

THOMPSON, I.G., L.L.C.,

Plaintiff,

-vs-

Case No. 11-12839  
Hon: AVERN COHN

EDGETECH, I.G., INC.,,

Defendant.

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**AMENDED DISCOVERY ORDER NO. 2**

On September 06, 2012, the Court entered a Memorandum And Order Granting Defendant's Motion To Disqualify Gerhard Reichert As Plaintiff's Expert (Doc. 30) And Dismissing As Moot Defendant's Motion To Strike Reichert As Plaintiff's Expert (Doc. 42) (Doc. 52). In so doing, the Court overlooked the scope of the relief requested by defendant in its disqualification motion (Doc. 30), to wit:

. . .or otherwise acting as a non-testifying consulting expert.

On October 17, 2012, the Court held a hearing on Plaintiff's motion to allow Reichert to attend depositions and otherwise consult with plaintiff<sup>1</sup>. The Court at the hearing failed to appreciate the fact that in disqualifying Reichert to act as an expert at trial, it considered only the testimonial aspects of disqualification, and not the consulting aspects of

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<sup>1</sup>The October 19, 2012 order incorrectly stated defendant.

disqualification. Given the reasons for disqualification of Reichert as an expert at trial, he is also disqualified from consulting with plaintiff<sup>2</sup> as an expert.

As previously stated, disqualification of Reichert as an expert does not mean he cannot testify as a fact witness if he has relevant evidence to offer.

SO ORDERED.

S/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

Dated: October 23, 2012

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, October 23, 2012, by electronic and/or ordinary mail.

S/Julie Owens  
Case Manager, (313) 234-5160

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<sup>2</sup> The October 19, 2012 order incorrectly stated defendant.